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DATE: August 25, 2005

PTO IDENTIFIER: Application Number 10/779,410-Conf. #7767  
Patent Number

Inventor: Barbara J. Swaab et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: RADER, FISHMAN & GRAUER PLLC  
Kristin L. Murphy

PHONE: (248) 594-0647

Attorney Dkt. #: 66163-0003

PAGES (Including Cover Sheet): 4

CONTENTS: Response to Restriction Requirement (with Traverse) (2 pages)  
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**RADER, FISHMAN & GRAUER PLLC**  
39533 Woodward Avenue, Suite 140, Bloomfield Hills, Michigan 48304  
Telephone: (248) 594-0600 Facsimile: (248) 594-0610

PTO/SB/97 (09-04)

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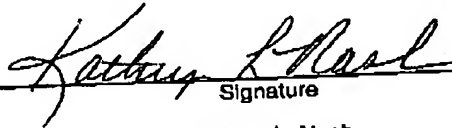
Application No. (if known): 10/779,410

Attorney Docket No.: 66163-0003

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Response to Restriction Requirement (with Traverse) (2 pages)

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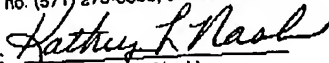
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Docket No.: 66163-0003  
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(Kathryn L. Nash)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Barbara J. Swaab et al.

Application No.: 10/779,410

Filed: February 13, 2004

For: INSTRUCTIONAL YOGA GAME AND  
METHOD OF PLAY

Confirmation No.: 7767

Art Unit: 3711

Examiner: V. K. Mendiratta

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed July 25, 2005 (Paper No. 20050719), applicant hereby provisionally elects claims 1-14 for continued examination, with traverse.

The Examiner has required restriction between the following:

- I. Claims 1-14 drawn to apparatus; and
- II. Claims 15-23 drawn to method of playing.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. Indeed, the method claims of Group II are specifically directed to a method of playing an apparatus that includes similar structural limitations as those found in Group I.

Application No.: 10/779,410

Docket No.: 66163-0003

If the Examiner is aware of another method to make the product as claimed, using a process which is materially different from that set forth in the restricted claims, applicant respectfully requests the Examiner to substantiate his position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-23 presently pending in this application be examined.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66163-0003 from which the undersigned is authorized to draw.

Dated: August 25, 2005

Respectfully submitted,

By 

Kristin L. Murphy

Registration No.: 41,212

RADER, FISHMAN &amp; GRAUER PLLC

39533 Woodward Avenue, Suite 140

Bloomfield Hills, Michigan 48304

(248) 594-0647

Attorney for Applicant

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